

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE CORKER, d/b/a RANCHO ALOHA,
et al.,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, *et*
al.,

Defendants.

Cause No. C19-0290RSL

ORDER DENYING
PLAINTIFFS' MOTION TO
COMPEL

This matter comes before the Court on “Plaintiffs’ Consolidated Motion to Compel Production of Documents by Defendants L&K Coffee Co., LLC, Mulvadi Corporation, and MNS, Ltd.” Dkt. # 621. The named plaintiffs grow Kona coffee in the Kona District of the Big Island of Hawaii and filed this lawsuit alleging that various distributors, wholesalers, and retailers of coffee products sell ordinary commodity coffee labeled as “Kona” coffee, to the detriment of those who grow actual Kona coffee. Between August 2021 and January 2022, plaintiffs served discovery on L&K, Mulvadi, and MNS seeking information regarding their labeling and packaging of “Kona” coffee products from the date on which each defendant started selling Kona-labeled products. Plaintiffs argue that the documents would show that defendants had hidden the true origins of their coffee for decades, thereby tolling the statute of

1 limitations under the discovery rule or theories of fraudulent concealment and/or estoppel.
2 Because the tolling of the statute of limitations would expand the period of time for which
3 plaintiffs could seek damages, plaintiffs also sought information regarding defendants'
4 purchases of, sales of, and profits from Kona-labeled coffee products prior to February 2015.
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6 Defendants object, arguing that the parties previously agreed that discovery would be
7 limited to the period after February 2015, the date on which the longest possible limitations
8 period began to run, and/or that the Court had adopted that limitation. They also argue that the
9 dramatic expansion of the relevant time period would cause prejudice and that the requested
10 production was not proportional to the needs of the case, unduly burdensome, and harassing.
11 Fact discovery closed on March 11, 2022. Plaintiffs filed this motion to compel on the last
12 possible day.
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14 The fact that a party is willing to make a concession or accede to a limitation during the
15 meet and confer process does not forever bar it from pursuing the information if it is relevant
16 and proportional to the needs of the case. Nor has the Court substantively considered or ruled
17 upon the statute of limitations issue, instead simply acknowledging and enforcing the parties'
18 prior agreement in order to define the scope of a Rule 30(b)(6) witness' preparations. The Court
19 therefore rejects defendants' argument that plaintiffs are barred from seeking information that
20 might toll the statute of limitations and establish damages over a longer period. The Court
21 further finds that the requested information is relevant and proportional to the needs of the case.
22 Fed. R. Civ. P 26(b)(1).
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Because a dramatic expansion of the scope of discovery at this late date would cause undue burden, plaintiffs' motion to compel (Dkt. # 621) is DENIED.

Dated this 1st day of July, 2022.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge